

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re: **CERNUTO, INCORPORATED**  
Debtor

Case # **04-29682**  
Chapter 7

**MOTION FOR RELEASE OF UNCLAIMED FUNDS**

I, the undersigned petitioner, under penalty of perjury under the laws of the United States of America, certify that the following statements and information are true and correct:

- 1) I, John J. Marshall, acting in my capacity as Managing Member of JM Partners LLC, Attorney in Fact for BlueLinx Corp ("Creditor") am petitioning to receive the total amount of **\$ 7935.71**, which is the sum of all monies deposited with the Court by the case trustee on behalf of the Creditor and which are still due and owing to the Creditor, per the evidence included herewith.
- 2) Creditor is the proper owner of the funds in question, and has not subsequently sold, assigned, or transferred my rights or the funds due for same. I am familiar with the laws regarding such matters, both state law and specifically that applying within this Court, and having conducted my proper research and due diligence, can state that no other party has any interest in the funds. I have provided herewith all appropriate evidence, as well as identification.
- 3) The name and contact information, and a brief history of the original creditor, are all provided per the evidence herewith, and are factually noted as follows:

Original Creditor Address	Current Creditor Address
BlueLinx Corp ATTN: Alva Birks 4100 Wildwood Pkway 2 <sup>nd</sup> FL Atlanta, GA 30339	BlueLinx Corporation ATTN: Dale Baird / Corporate Credit Manager 4300 Wildwood Parkway Atlanta, GA 30339
Attorney in Fact Address	Brief History
JM Partners LLC ATTN: John Marshall / Mng Mmbr 12201 Gayton Road Suite 220 Richmond, VA 23238-8203 Phone 804-740-2972	The original Creditor changed mailing addresses subsequent to the case being filed, and neglected to update the Court or Trustee, thus leading to the funds being lost/returned in the mail, and deposited to the Unclaimed Funds Registry.

- 4) I understand that, pursuant to 18 U.S.C. 152, I may be fined not more than \$5,000, or imprisoned not more than five years, or both, if I have knowingly and fraudulently made any false statements in this document.
- 5) AFFIDAVIT AND CERTIFICATE OF SERVICE. Notice is hereby given, and by my signature below I hereby certify, that on 5/19/12 a copy of this fully completed document including all attachments was served on the U.S. Attorney, per 28 U.S.C., Section 2042 as well as the US Trustee, at the following addresses, by U.S. Postal Service first class postage prepaid:

**Office of the US Trustee**  
Liberty Center.  
1001 Liberty Avenue, Suite 970  
Pittsburgh, PA 15222

**Office of the US Attorney**  
Western District of Pennsylvania  
633 US Post Office & Courthouse  
Grant Street  
Pittsburgh, PA 15219

**Debtor**  
Cernuto Incorporated  
PO Box C  
Tarrs, PA 15688

**Debtor's Attttorney**  
Robert H. Slone  
Mahady & Mahady  
223 South Maple Avenue  
Greensburg, PA 15601

**Notary Public:**

Said John J. Marshall, being known to me – or having first supplied to me sufficient identification to establish his identify – did Swear and Subscribe before me on this 14<sup>th</sup> day  
Of May, 2012

Nancy A. Lang  
Signature of Notary Public

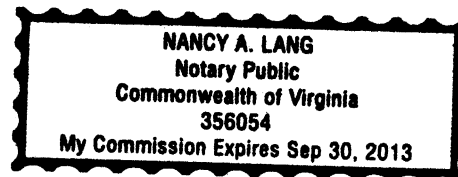
State of **Virginia** – City/County of **Henrico**

**Nancy A. Lang**

Notary Public (name / print)

My Commission Expires: 9/30/2013

SEAL



John J. Marshall  
For: JM Partners LLC  
12201 Gayton Road Suite 220  
Richmond, VA 23238-8203  
Phone 804-740-2972

**INDEX TO ENCLOSURES**

**Unclaimed Funds Recovery**

**HOLDER: USBC PA Western District**  
**CASE # 04-29682 Cernuto Incorporated**  
**CLAIMANT: JM Partners LLC, Attorney-in-Fact**  
**for BlueLinux Corp**

**Listing of the Unclaimed Funds**

**Affidavit of Creditor**

**ID & Authority of Creditor's Rep**

**Evidence Linking to Case/Debtor**

**LPOA, engaging JM Partners LLC**

**Affidavit of JM Partners LLC**

**Brief History Statement & Recap of  
Supporting Evidence:**

**BlueLinux Corp** was the Creditor in this matter.  
Creditor changed mailing addresses subsequent to  
filing the claim. Unfortunately, Creditor neglected to  
inform the Court or Trustee of this, and that apparently  
lead to the unclaimed funds in this case.

JM Partners LLC ("Claimant") – who acts both as a  
Funds Recovery Agent and a Bankruptcy Claim  
Purchaser / Investor – located the Creditor, disclosed  
the full details of the account, and sought an  
engagement to either recover the funds as Agent, or  
simply to purchase an Assignment of the account. The  
Creditor elected the former option, and has engaged  
Claimant for such work as is necessary to secure the  
release of the funds. Thus, JM Partners LLC makes  
this application as the Attorney-in-Fact for the  
Creditor.

**Prepared & Submitted by:**

**JM Partners LLC**  
**PO Box 29940**  
**Richmond, VA 23242-0940**  
**Phone 804-740-2972**  
**[jmarshall@jmpartnersllc.com](mailto:jmarshall@jmpartnersllc.com)**

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15